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Name of Depositor: Daryl K. Neff      Signature: *Daryl Neff*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: <b>Michael C. Gaidis et al.</b>	Date: <b>October 24, 2005</b>
Serial Number: <b>10/709,999</b>	Examiner: <b>Dung A. Le</b>
Filed: <b>June 11, 2004</b>	Group Art Unit: <b>2818</b>
Title: <b>STRUCTURE AND METHOD OF PATTERNING A MAGNETIC TUNNEL JUNCTION STACK FOR A MAGNETO-RESISTIVE RANDOM ACCESS MEMORY</b>	Joseph P. Abate IBM Corporation Dept. 18G, Bldg. 321, Zip 482 2070 Route 52 Hopewell Junction, NY 12533

**RESPONSE TO RESTRICTION REQUIREMENT  
AND ELECTION OF SPECIES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the Restriction Requirement dated September 23, 2005, the Examiner requires restriction to one of two patentably distinct inventions:

Group I, claim 20 drawn to a semiconductor device; and

Group II, claims 1-19 drawn to process of making a semiconductor device.

In response, Applicants elect the Group II claims 1-19 for examination without traverse.

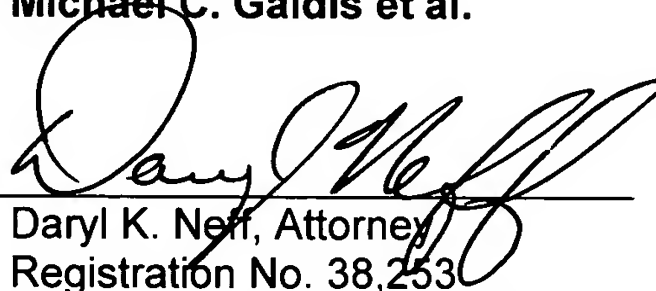
An Information Disclosure Statement is submitted together with this response. The Examiner's prompt examination of the application and acknowledgement and consideration of the Information Disclosure Statement are respectfully requested.

It is believed that no fee is due in connection with the filing of this response. However, if any fee is due, please debit the Deposit Account No. 09-0458 of the Assignee International Business Machines Corporation.

Respectfully submitted,

**Michael C. Gaidis et al.**

By

A handwritten signature in black ink, appearing to read "Daryl K. Neff", is written over a horizontal line.

Daryl K. Neff, Attorney

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